

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

**LUISA LIBERTO, et al.,**

**Plaintiffs**

**v.**

**GEISINGER HOSPITAL, et al.,**

**Defendants**

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**No. 4:17-cv-2320**

**(Judge Kane)**

**(Magistrate Judge Carlson)**

**ORDER**

Before the Court in the above-captioned action is the July 30, 2018 Report and Recommendation of Magistrate Judge Carlson. (Doc. No. 35.) No timely objections have been filed. **ACCORDINGLY**, on this 17th day of August 2018, upon independent review of the record and the applicable law, **IT IS ORDERED THAT:**

1. The Court **ADOPTS** the Report and Recommendation (Doc. No. 35), of Magistrate Judge Carlson;
2. Defendants' Motion to Dismiss (Doc. No. 32), is **GRANTED in part** as follows:
  - A. The individual Defendants previously named in this action (excluding Geisinger Hospital) are **DISMISSED**. The Clerk of Court is directed to **TERMINATE** them as Defendants in this action;
  - B. Plaintiff Jeffrey Liberto's Title VII and ADA claims are **DISMISSED**;
  - C. Plaintiffs' amended complaint is **DISMISSED without prejudice** to the Plaintiffs' ability to file a second amended complaint in an effort to correct the deficiencies in the amended complaint identified in Magistrate Judge Carlson's Report and Recommendation, within twenty (20) days of the date of this Order; and

3. This matter is recommitted to Magistrate Judge Carlson for further pretrial proceedings.

s/ Yvette Kane  
Yvette Kane, District Judge  
United States District Court  
Middle District of Pennsylvania